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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

October 15, 2008

Mr. Fred Fielding, Esq.
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. Fielding:

You and I have communicated several times about the Judiciary Committee's oversight and legislative interest in the Government's use of torture, such as waterboarding, and other harsh interrogation practices. Most recently, Senator Specter and I wrote to you in August, again seeking materials about the legal justification for these practices. In your August 22 response, you refused our requests while claiming that the White House has been most accommodating to this Committee and to the Congress in its inquiries on these matters. Several Judiciary Committee Republicans went so far as to rely on your letter while contending that the White House had been forthcoming and there was no need to subpoena Department of Justice materials that have been withheld during the last five years.

I now read in The Washington Post that the White House issued two previously undisclosed memoranda to the CIA in 2003 and 2004. It is disturbing to be reminded, at this late date, of the stonewalling, misdirection and lack of accountability that has characterized this administration from its first days in office. Not only did those White House memoranda come as a surprise to me and the Senate Judiciary Committee, but I see from Chairman Rockefeller's reaction that he was kept in the dark, as well.

I would appreciate hearing from you as soon as possible regarding what additional materials exist that have not been shared with the Senate Judiciary Committee.

Sincerely,


PATRICK LEAHY
Chairman